



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

3-1

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 23, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Oakglenn Estates, LLC	FILE NO. TRACT 2658 SUB2004-00062
SUBJECT A request by Oakglenn Estates, LLC, for a Vesting Tentative Tract Map to subdivide an existing 1.98 acre parcel into nine parcels ranging in size from 6,000 square feet to 13, 417 square feet each for the purpose of sale and/or development. The proposed project is within the Residential Single Family land use category and is located at 392 South Oakglenn Avenue in the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION 1. Deny Vesting Tentative Tract 2658 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092,271,007	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.112.080 – Nipomo Urban Area Standards			
LAND USE ORDINANCE STANDARDS: 22.22.080 – Subdivision Design Standards/Residential Single-Family Land Use Category			
EXISTING USES: Single family residence, accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/Residences East: Residential Single Family/Residences South: Residential Single Family/Residences West: Residential Single Family/Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD			
TOPOGRAPHY: Nearly level		VEGETATION: Grasses, forbs, ornamental landscaping	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF		ACCEPTANCE DATE: January 28, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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ORDINANCE COMPLIANCE:

Minimum Parcel Size

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0 and 15%	6,000 square feet
Water Supply and Sewage Disposal	Community Water Community sewer	6,000 square feet

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance with the exception of Section 21.03.010(d) which requires that the subdivision shall provide for the opening or extension of streets for traffic circulation for the convenience, safety and welfare of the lot owners within the subdivision and local neighborhood. It is inconsistent with this section because required secondary access would not be provided.

BACKGROUND

The project was submitted on August 13, 2004. An information hold letter was sent out on September 13, 2004 which stated that additional information was needed to accept the project and that additional information may be required from outside referral agencies. A referral response from CDF was received on November 16, 2004 stating that the length of the dead end road was exceeded since the project site is over 800 feet (the maximum for parcels less than one acre) from the nearest through road and that secondary access would be required for this project. The applicant was contacted and made aware of the issue.

The project was accepted for processing in January 2005 and the environmental review of the project began in March 2005. During this process of completing the initial study, it was determined that this project, along with two other submitted projects in the area, and the potential for future projects along South Oakglenn Avenue, constituted a significant adverse impact with regard to increasing the fire hazard risk and exposing people and structures to high fire hazard conditions, because secondary access is not currently available.

According to the California Environmental Quality Act (CEQA)(Public Resources Code Sections 21080(d), 21082.2(d) and CEQA Guidelines Section 15064, when a project is not exempt from CEQA and potentially causes significant impacts that cannot be addressed with a Mitigated Negative Declaration, an EIR must be prepared. Currently there are no mitigation measures in place to address the secondary access issue, therefore a recommendation for denial with no environmental review or preparation of an Environmental Impact Report is necessary.

STAFF COMMENTS

There are currently three subdivision projects that have been submitted along South Oakglenn Avenue that exceed the 800 foot dead end road length. These projects total 29 parcels. Staff has met with the applicants and other interested parties to determine what options are available to mitigate for the secondary access. These options include the following:

1. Use of the abandoned railroad right-of-way to the east of the project site: This option would include crossing the Nipomo Creek to access the railroad right-of-way, then providing access to the north back to Tefft Street. The main issue with this option is the environmental concerns with crossing the creek and potential sensitive habitats. A preliminary botanical report was prepared by one of the applicants for a location along the creek. Further review of this report is necessary to determine if there are biological resources that need to be evaluated as well as determine if the location selected for the survey is the best to provide the required access. This option also requires a condemnation process by the County which the Public Works Department is currently researching.
2. Southland hook-ramp: This option would involve installation of a hook-ramp to Highway 101 at Southland Road on the southern end of Oakglenn Avenue. This option would require CalTrans studies before work could commence and could be very time consuming and expensive.
3. Use of an existing tunnel under Highway 101: This option would utilize an existing one-way tunnel that runs underneath Highway 101 to provide emergency access for fire vehicles. Road improvements, easements, stop signs would be needed along an easement from the property owner where the tunnel is located.
4. Creek crossing through the strawberry fields to the east: This option would include a creek crossing as well and would provide access through existing agricultural fields to South Thompson Road. The Agricultural Commissioners office would not be supportive of such access.

The questions remain at this point as to who, how and where the secondary access is to be provided in order to have mitigation in place to comply with CEQA regulations. Until these questions are answered, staff is recommending denial of projects within this area based on the impacts of the current projects as well as cumulative impacts of all potential future projects within this area.

CEQA requires lead agencies to review cumulative impacts when deciding whether a project requires a Negative Declaration or preparation of an EIR. Incremental effects of a project, when viewed with other reasonably foreseeable future projects, can be determined to be cumulatively considerable (Guidelines Section 15355). In this case, as discussed above, there are currently applications in for 29 parcels. In reviewing all of the properties along South Oakglenn Avenue

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that are within the Urban Services Line or within the Residential Suburban land use category that could potentially subdivide and are beyond the 800 foot dead end road length, there could be approximately 200 parcels in this area. Considering the impacts of that number of parcels would be a significant impact under the regulations of CEQA and would require preparation of an EIR.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with the design standards of Section 21.03.010(d) which requires that the subdivision shall provide for the opening or extension of streets for traffic circulation for the convenience, safety and welfare of the lot owners within the subdivision and local neighborhood. It is inconsistent with this section because required secondary access would not be provided.
- C. The design and improvement of the proposed subdivision are inconsistent with the applicable Public Resources Code because the improvements necessary to provide secondary access to protect the health, safety and welfare of people and properties within the subdivision and surrounding neighborhood with regard to high fire hazard areas will not be provided.
- D. Based on current and reasonably foreseeable projects within the South Oakglenn Avenue area, the cumulative impacts associated with this project on people and structures within a high fire hazard area are considered significant and cannot be approved without mitigation measures in place or preparation of an Environmental Impact Report.

Staff report prepared by Stephanie Fuhs
and reviewed by John Nall, Principal Environmental Specialist



3-6 116
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

8/23/04
PW

FROM



South Co. Team
(Please direct response to the above)

OAKGLEN EST.

SUB2004-00062
Project Name and Number TR 2658

Development Review Section (Phone: 781-788-2009) ()

APN: 092-271-007

PROJECT DESCRIPTION:

Traet map 2658 -> Subdivide 1.98 acres into 9 lots, ranging from 6,000 sq. ft. to 13,417 sq. ft. Located off OAKGLEN AVE. & Grove St. Directly NE of Hwy. 101 in Nipomo. See enclosed information.

Return this letter with your comments attached no later than:

9/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO
☒ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

IT IS MY UNDERSTANDING THAT CDF NO LONGER MITIGATES FOR LONG CUL-DE-SACS - PRE 4290 ALLOWS 800 ft dead end road for private lots THAN 1 ac, THIS IS MORE THAN 2500 ft FROM TEFET ST. THEY WILL NEED TO PROVIDE A SECONDARY ACCESS TO THOMPSON, ~~THOMPSON~~ OR HWY 101. I HAVE ATTACHED STACK CONDITIONS IN CASE THIS GOES FORWARD FOR APPROVAL. STORM RUNOFF WILL FLOW UP HILL TO DRAINAGE BASIN?

116 SEP 2004
Date

Goodwin
Name

5252
Phone

3-7



CDF/San Luis Obispo County Fire Department

ADMINISTRATIVE OFFICES

635 North Santa Rosa Street • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

FAX TRANSMISSION

TO: MS. FUHS
COMPANY: SLO County Planning + Bldg.
PHONE: 781-5721 DATE: 11/16/04
FAX: 781-1242 TIME: 12:45 HRS.

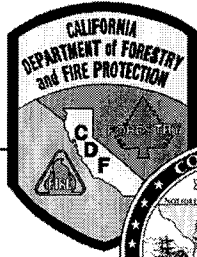
FROM: C. BULLARD DEPT: PREVENTION
PHONE: (805) 543-4244, EXTENSION # 2125 FAX: (805) 543-4248

COMMENTS: CDF/COUNTY FIRE WILL REQUIRE
SECONDARY ACCESS TO APPROVE
THIS PROJECT.

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

3-8

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NOV 18 2004
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SF



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

November 16, 2004

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB2004-00062 (Oakglenn Estates)

Dear South County team members ,

I have reviewed the referral for the parcel map plans for the proposed 9 parcel subdivision project located at/near 392 South Oak Glen Rd. Nipomo, CA. This project is located approximately 4 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 - Parcels less than 1 acres 800 feet
 - Parcels 1 acre to 4.99 acres 1320 feet
 - Parcels 5 acres to 19.99 acres 2640 feet
 - Parcels 20 acres or larger 5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.

- Vertical clearance of 13'6" is required.

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Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.
- *EXCEPTION: Driveways in moderate fire zone only require a 10 foot driveway.*

Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

During a site visit on November 12th, 2004, CDF/San Luis Obispo County Fire Department determined the proposed project to be more than 2,400 feet from Tefft Street. The maximum length of dead-end road for parcels less than one acre is 800 feet as referenced within the California State Public Resources Code Section 4290/4291. The Department does not offer a means to mitigate the dead-end road length standard.

If I can provide additional information or assistance, please call 543-4244.

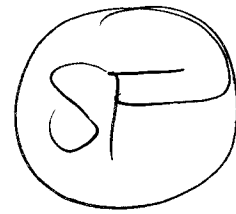
Sincerely,


Clinton I. Bullard
Fire Inspector

cc: Oakglenn Estates, LLC., Applicant
WRD Engineering, Agent



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO



3-10

DATE: September 3, 2004

TO: South County Team
San Luis Obispo County Department of Planning and Building

FROM: Corinne Rosenblum *CRR*
San Luis Obispo County Air Pollution Control District

SUBJECT: Nipomo Subdivision of 1.98 acre parcel into 9 lots (SUB2004-00062)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 392 Oakglen Ave in Nipomo. The project proposes to divide the 1.98 acre lot (APN # 092-271-007) into 9 lots, ranging from 6,000 sq. ft. to 13,417 sq. ft. We have the following comments on the proposal.

GENERAL COMMENTS:

We would like to commend the applicant on several elements of the project design:

1. The project provides development within the URL where such development is planned for and expected.
2. An important part of the subdivision review process is a consistency analysis with the District's Clean Air Plan (CAP). The CAP was developed to address issues that contribute to poor air quality in our area, and to identify strategies to reduce those impacts; this includes land use policies designed to reduce reliance on the automobile, such as compact, infill and mixed-use development. The proposed infill development project is consistent with the surrounding land uses and provides development where such development is planned and expected. The proposed project has been determined to be consistent with the CAP.

CONSTRUCTION PHASE MITIGATION:

Developmental Burning

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within**

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Nipomo Subdivision of 1.98 acre parcel into 9 lots
September 3, 2004
Page 2 of 2

the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

Future Development on Grove Street

APCD staff understands that only the required portion of Grove Street will be paved for the proposed project. If and when the area bounding the southern side of Grove Street subdivides, that project will be required to pave the rest of the Grove Street. APCD would like to be included in the review of future development proposals for the adjacent property.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

CMR/AJM/sll

cc: Karen Brooks, APCD Enforcement Division

Attachment 1: Naturally Occurring Asbestos Construction & Grading Project – Exemption Request Form



County of San Luis Obispo • Public Health Department

RECEIVED

NOV 12 2004

Planning & Bldg

Environmental Health Services

2156 Sierra Way • P.O. Box 1489

San Luis Obispo, California 93406

(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.

County Health Officer

Public Health Director

Curtis A. Batson, R.E.H.S.
Director

November 9, 2004

WRD Engineering
592 South 13th Street
P.O. Box 432
Grover Beach, CA 93483

ATTN: CYNTHIA HAYES
RE: TENTATIVE TRACT MAP 2658 (Oakglenn Estates LLC)

SUB 2004-00062

Water Supply and Wastewater Disposal

This office is in receipt of a preliminary will serve letter from the Nipomo Community Services District to provide water and sewer services to the above noted tract map. Be advised that a final will serve letter will be required prior to final recordation. Also, be advised that the water and sewer improvements shall be built to each parcel or a monetary bond submitted to the county to perform the work at a later date.

TRACT 2658 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
NCSD
Dan Pace, Owner

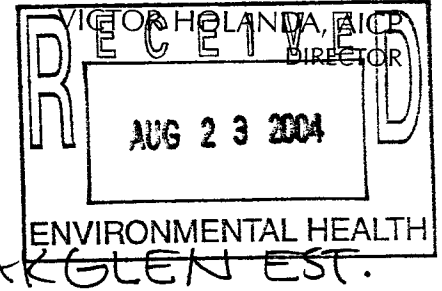


SF
16
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

3-13

THIS IS A NEW PROJECT REFERRAL

DATE: 8/23/04
TO: Env. Health
FROM: South Co. Team
(Please direct response to the above)



SUB2004-00062
Project Name and Number TR 2658

APN: 092-271-007 Development Review Section (Phone: 781- 788-2009) ()

PROJECT DESCRIPTION: Tract map 2658 -> Subdivide 1.98 acres
into 9 lots, ranging from 6,000 sq. ft. to 13,417 sq. ft.
Located off OAKGLEN AVE. & Grove St. Directly NE of
Hwy. 101 in Nipomo. See enclosed information.

Return this letter with your comments attached no later than: 9/7/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

 YES (Please go on to Part II)
 NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

 NO (Please go on to Part III)
 YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide stock conditions for community water and sewer to applicant.
An intent to serve letter will be required by this office in order
to receive preliminary approval. Please provide NCSD letter and
full size map. Thank you.

9/10/04
Date

Laurie Salo
Name

781-5551
Phone

NIPOMO COMMUNITY

BOARD MEMBERS

MICHAEL WINN, **PRESIDENT**
JUDITH WIRSING, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**



SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**
JON SEITZ, **GENERAL COUNSEL**

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

October 27, 2004

Scott Pace
Pace Brothers Construction, Inc.
P O Box 519
Arroyo Grande, CA 93421

3-14
This is NOT a Will-Serve Letter

**SUBJECT: INTENT-TO-SERVE WATER and SEWER SERVICE
TRACT 2658 392 SOUTH OAKGLEN AVENUE
9-LOT DEVELOPMENT IN NIPOMO**

An Intent-to-Serve letter for water and sewer service for Tract 2658, a 9-lot development on South Oakglen Avenue in Nipomo, is granted subject to the following conditions:

- This project shall obtain sewer and water service for all units, existing and planned.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.
- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - A summary of all water and sewer improvement costs
- This letter is void if land use is other than residential single family.
- Install and pay fees for separate fire service, if CDF requires on-site fire protection.
- Comply with District water conservation program.
- Intent-to-Serve Letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one year extension upon proof of reasonable due diligence in processing the project.

Pace Brothers Construction, Inc.
Tract 2658
Intent-to-Serve
October 27, 2004
Page Two

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This is not a Will Serve letter

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to Tract 2658 and that it has sufficient water resources to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.


This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

Please be aware, all dwellings in your development, existing and new, will be required to be connected to District water and sewer services. Sewer and water laterals serving one parcel and crossing subsequent parcel(s) prior to joining main-lines are not allowed unless they are within dedicated easements.

Please call with any questions.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael LeBrun
General Manager

Enclosure:
Procedure for Service Requests



160
SF
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

3-16
2:04 AUG 23 PM 2:16

VICTOR HOLANDA, AICP
DIRECTOR
RECEIVED

THIS IS A NEW PROJECT REFERRAL

OCT 07 2004

Planning & Bldg

DATE:

8/23/04 10/06/04

FROM:

TO:

Parks

South Co. Team

(Please direct response to the above)

OAKGLEN EST.

SUB2004-00062
Project Name and Number TR 2658

Development Review Section (Phone: 781-788-2009)

#APN: 092-271-007
PROJECT DESCRIPTION: Tract map 2658 -> Subdivide 1.98 acres into 9 lots, ranging from 6,000 sq. ft. to 13,417 sq. ft. Located off OAKGLEN AVE. & Grove St. Directly NE of Hwy. 101 in Nipomo. See enclosed information.

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9/7/04

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☒ YES
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(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

(1) Require Quimby and applicable Building Div. fees.

(2) Require a detached trail along Oak Glen to the County's A-1(X) standard.

10/06/04
Date

Jan Dileo
Name

4089
Phone

3-17

San Luis Obispo Department of Planning & Building

93444

Site

SAN LUIS OBISPO
COUNTY

CAMINO

101



Exhibit

VICINITY MAP

Project
Oakglenn Estates, LLC Tract Map
SUB2004-00062/Tract 2658

Site

3-18

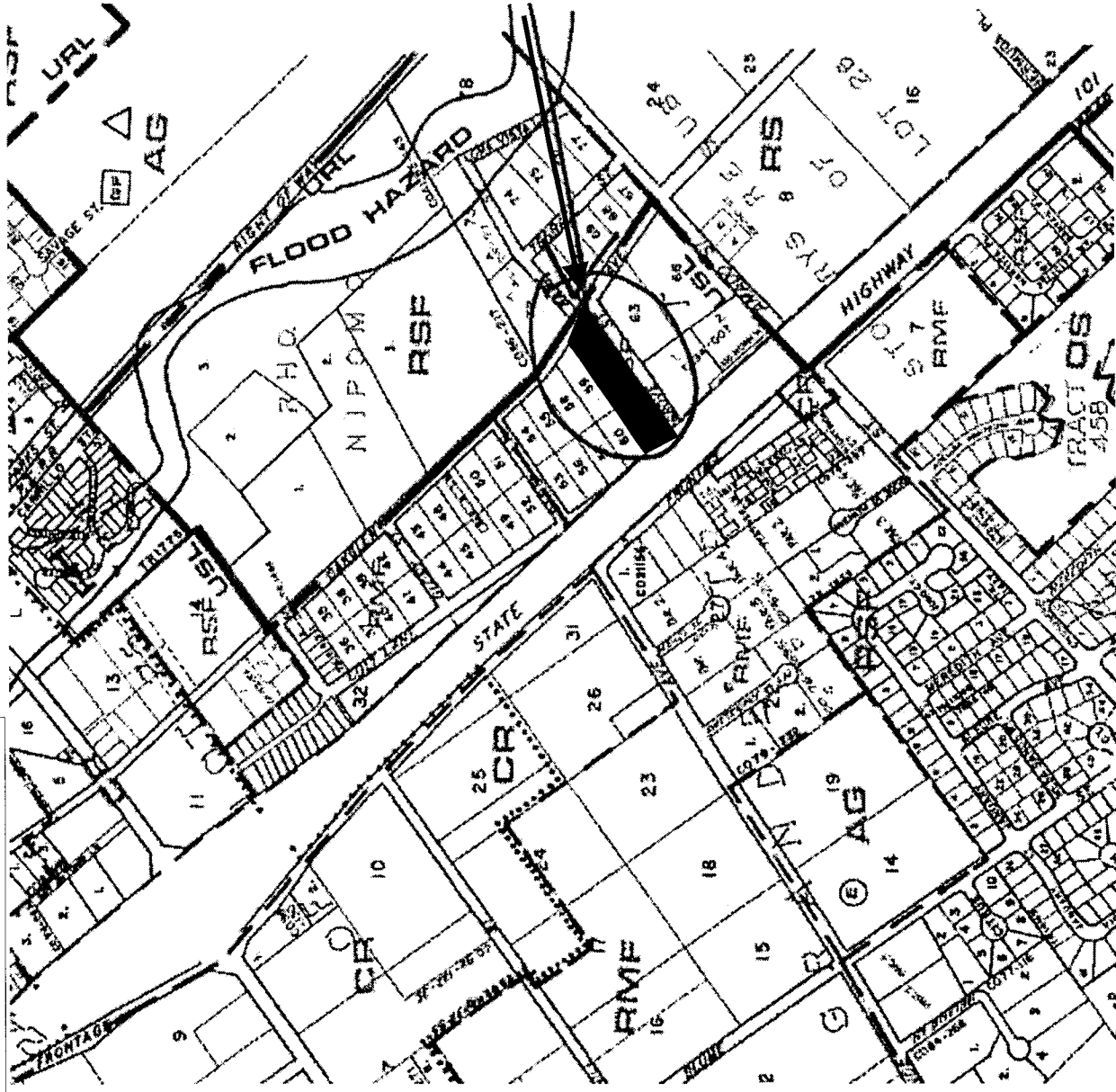
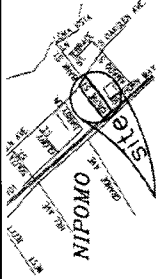


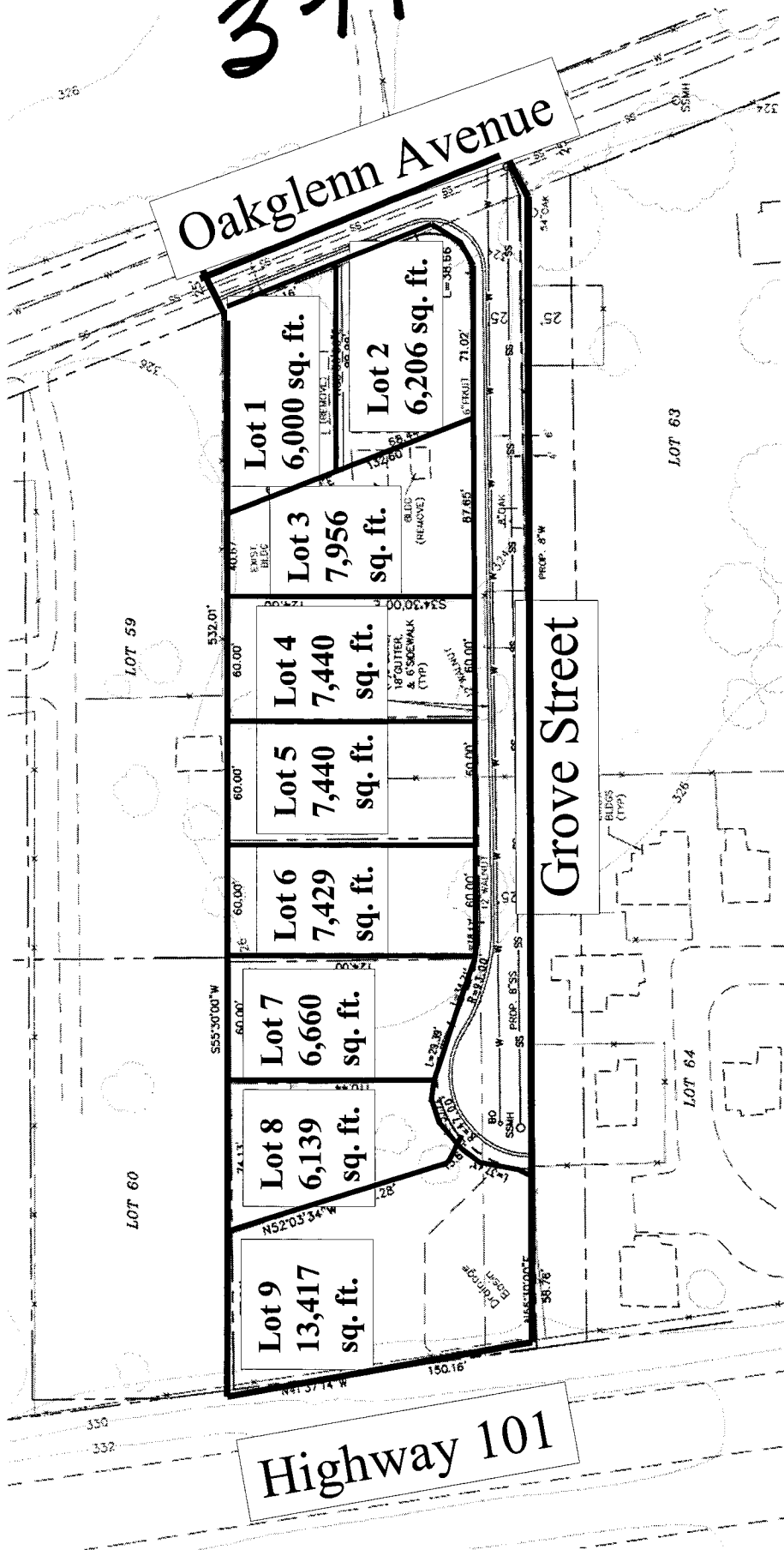
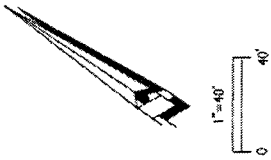
Exhibit
Land Use Category Map

Project
Oakglenn Estates, LLC Tract Map
SUB2004-00062/Tract 2658

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VICINITY MAP
(NOT SCALE)



Exhibit

Proposed Tentative Tract Map



Project
Oak Glenn Estates, LLC Tract Map

SUB2004-00062/Tract 2658